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Attorneys for Plaintiff Colony Cove Properties, LLC

UNITED STATES DISTRICT COURT

CENTRAL DISTRICT OF CALIFORNIA

COLONY COVE PROPERTIES, LLC, a Delaware limited liability company, Plaintiff, v. CITY OF CARSON, a municipal corporation; CITY OF CARSON MOBILEHOME PARK RENTAL REVIEW BOARD, a public administrative body; and DOES 1 to 10, inclusive, Defendants.	Case No. CV 14-03242 PSG (PJWx) **PLAINTIFF COLONY COVE PROPERTIES, LLC'S NOTICE OF MOTION AND MOTION TO ALTER OR AMEND THE JUDGMENT OR, IN THE ALTERNATIVE, FOR A NEW TRIAL LIMITED TO PREJUDGMENT INTEREST ONLY** Courtroom: 880 Judge: Hon. Philip S. Gutierrez Judgment Entered: May 16, 2016 Hearing Date: August 8, 2016, at 1:30 p.m.

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on August 8, 2016, at 1:30 p.m., or as soon thereafter as the matter may be heard in Courtroom 880 of this Court, located at 255 E. Temple Street, Los Angeles, California, Plaintiff Colony Cove Properties, LLC, will and hereby does move the Court to alter or amend the Judgment entered on May 16, 2016 (Dkt. No. 200), pursuant to Federal Rule of Civil Procedure 59(e) on the grounds that: (1) the award of pre-interest damages is erroneous and should be amended to conform with the undisputed evidence presented by the parties at trial; and (2) the exclusion of prejudgment interest is legally erroneous and denies Colony Cove just compensation as required by the Fifth Amendment to the United States Constitution. Amendment of the Judgment is required to prevent manifest injustice resulting from the denial of just compensation due Colony Cove for Defendants' regulatory takings. In the alternative, Colony Cove moves the Court, pursuant to Rule 59(a) of the Federal Rules of Civil Procedure, for a new trial limited to prejudgment interest only.

This Motion is based upon this Notice of Motion and Motion, the Memorandum of Points and Authorities, the Declaration of Dimitri D. Portnoi in support of the Motion and all supporting exhibits attached thereto, the argument of counsel, all pleadings and papers on file in this action, and upon such other matters as may be presented to the Court at the hearing on this Motion or before the Court's decision.

This Motion is made following the conference of counsel pursuant to L.R. 7-3, which took place on May 20, 2016.

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Dated: June 13, 2016

Respectfully submitted,

GILCHRIST & RUTTER
Professional Corporation

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O'MELVENY & MYERS LLP

By: /s/ Matthew W. Close
Matthew W. Close

Attorneys for Plaintiff
Colony Cove Properties, LLC